

MICAJAH HAWKES.

[To accompany Bill H. R. No. 273.]

MARCH 2, 1860.

Mr. FOSTER, from the Committee on Invalid Pensions, made the following

REPORT.

*The Committee on Invalid Pensions, to whom was referred the petition of Micajah Hawkes, praying for an invalid pension, having had the same under consideration, report :*

Your committee deem it proper to state that their action in his case is to be regarded as an exception, rather than as in conformity to the general rule that has governed your committee.

It appears from proper proof that he was an assistant surgeon in the naval service of the United States in the war of 1812, and was acting in that capacity on board the *Hornet* at the time of the celebrated engagement of that ship with the British sloop-of-war *Peacock*. He was honorably discharged May 10, 1813.

It is equally clear that he is now totally disabled ; and, at the age of seventy-four years, is destitute as well as helpless. Three physicians and surgeons of high standing in his vicinity give it as their decided opinion that his disability, which has been of long standing, is entirely in consequence of the accident which, as he alleges, befell him while in the line of his duty on board the *Hornet*.

The chief point of difficulty in his case is with regard to the proof of the original injury.

His own statement is, that soon after the *Hornet* arrived at New York he was called on to visit a sick man at one or two o'clock in the morning ; the vessel at that time being under repair, and everything about her being in confusion and disorder. In passing to the patient he fell into the hold of the vessel ; and that the result was an injury of the small of the back, less serious at first, but which has constantly increased until he has long been unable to move without help.

As to this original injury, Mr. Hawkes furnishes no statement but his own ; nor can he so. He continued to serve as assistant surgeon until honorably discharged, and the rolls furnish no proof of his disability. It further appears—(see letter of T. J. D. Fuller, esq.,)—that there is but one other survivor of this cruise of the *Hornet*, viz: Commodore Forest, now absent in command of the Brazilian squadron.

His testimony cannot, therefore, be obtained at present; nor is it certain that it would avail the applicant anything if procured.

The narrative of the applicant is consistent with itself, and with the opinions of the medical gentlemen on file. He produces the certificates of the best men of his vicinity in favor of his application, and his integrity and honorable standing are heartily endorsed by Hon. Stephen C. Foster, of this House, and by Hon. T. J. D. Fuller, whose letter has already been referred to, and to the contents of which the attention of this House is invited.

These facts lead your committee to believe that the applicant has given a truthful statement of his injury, and of its effects; and that the reason for the great delay in asking for a pension has been that by his practice of medicine he was enabled to support himself without calling upon the government for that assistance which long since he was justly entitled to. The delay, therefore, should not prejudice the claim; and your committee therefore report a bill allowing him a pension of fifteen dollars per month, the half of his pay proper.